

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
(WESTERN DIVISION—CINCINNATI)**

Kenneth Riordan,

Plaintiff,

v.

U.S. Bank National Association,

Defendant.

:
:
: Case No. 1:20-cv-1007
:
: Judge _____
:
:
: **NOTICE OF REMOVAL**
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:

U.S. Bank National Association (hereinafter “U.S. Bank”), by counsel and pursuant to 28 U.S.C. §§1331, 1441 and 1446, hereby gives notice of the removal of the above-styled action to this Court. In support of its Notice of Removal, U.S. Bank states as follows:

1. Plaintiff Kenneth Riordan (“Plaintiff”) filed this action on November 11th, 2020 in the Court of Common Pleas for Hamilton County, Ohio as *Kenneth Riordan v. U.S. Bank National Association*, Case No. A-2003953 (the “State Court Action”).
2. True and accurate copies of all process, pleadings, and orders served, filed, or entered in the State Court Action as of the date of the filing of this removal are attached hereto as **Exhibit A**.
3. While U.S. Bank contends that the allegations in Plaintiff’s Complaint are without merit, Plaintiff’s Complaint seeks damages for disability and reverse sex/gender discrimination under Ohio R.C. §4112 and retaliation under the Family Medical Leave Act and Ohio R.C. §4112. (Ex. A, Compl. ¶ 56–58, 71–76, 85–87, 92–97, 100–104.) Plaintiff demanded a jury trial. *Id.* at 12.
4. On November 17, 2020, U.S. Bank was served the Summons and Complaint in this matter.

5. U.S. Bank has not filed an answer or otherwise responded to the Complaint. This Notice of Removal is filed within thirty (30) days of U.S. Bank's notice of the lawsuit and is timely filed under 28 U.S.C. § 1446(b).
6. In accordance with 28 U.S.C. § 1446(a), venue is properly placed in the United States District Court for the Southern District of Ohio because it is the district court for the district and division within which the State Court Action is pending (Court of Common Pleas of Hamilton, Ohio).
7. Pursuant to 28 U.S.C. § 1441(a), removal of this action is proper because this Court has original jurisdiction on the basis of federal question under 28 U.S.C. § 1331 and supplemental jurisdiction over the remaining state law claims under 28 U.S.C. § 1367.
8. Removal of this action is proper under 28 U.S.C. § 1331 federal question jurisdiction because it is brought under the laws of the United States. Specifically, Count I of this action is brought under the Family Medical Leave Act ("FMLA"), codified at 29 U.S.C. §§ 2615(a) and 2617. (Ex. A, Compl. ¶ 4, 57–58.)
9. This Court has supplemental jurisdiction over Plaintiff's state law claims pursuant to 28 U.S.C. § 1367 because the state law claims arise out of a common nucleus of fact and form part of the same case or controversy as Plaintiff's FMLA retaliation claim. Specifically, Counts II, III, and IV of Plaintiff's Complaint allege disability discrimination, sex discrimination, and retaliation under Ohio R.C. § 4112, which allegedly catalyzed Plaintiff's FMLA leave and retaliation claim. (*Id.* at ¶ 27–31.)
10. Given the facts and circumstances set forth above, this constitutes an action which originally could have been brought before this Court pursuant to 28 U.S.C. § 1331 and may be removed by U.S. Bank herein pursuant to 28 U.S.C. § 1441(a).

11. For all of the foregoing reasons, this Action is removable in its entirety because it falls within this Court's federal question and supplemental jurisdiction as set forth in 28 U.S.C. §§ 1331 and 1367 and meets all of the requirements for removal under 28 U.S.C. §§ 1441 and 1446.
12. In accordance with 28 U.S.C. § 1446(d), U.S. Bank will promptly provide written notice of the filing of this Notice to Plaintiff.
13. Pursuant to 28 U.S.C. § 1446(d), U.S. Bank will file a duplicate copy of this Notice with the Clerk of the Court of Common Pleas of Hamilton County, Ohio.
14. By virtue of this Notice for Removal, U.S. Bank does not waive its rights to answer the Complaint, to assert any claims or defenses, or to make other motions related to Plaintiff's claims.

WHEREFORE, U.S. Bank removes this action to the United States District Court for the Southern District of Ohio and requests that the Court of Common Pleas of Hamilton County, Ohio proceed no further with respect to matters at issue in this action.

Dated: December 15, 2020

/s/ Allison L. Goico
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Counsel for Defendant U.S. Bank

CERTIFICATE OF SERVICE

I certify that a correct copy of this Notice of Removal was served by CM/ECF on this 15th day of December, 2020 on all counsel or parties of record and mailed to Plaintiff's counsel at:

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/s/ Allison L. Goico
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